

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS JEFFERSON CHISHOLM, II, Father on behalf
of Dominick Thomas Chisham Tooker, a minor child,

Plaintiff,

-against-

SALVATORE GUERRERA, BLACK CORPORATIONS
(1 THRU 10), JOHN DOES (1 THRU 10),

Defendants.

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FEUERSTEIN, J.:

On April 8, 2011, Thomas Jefferson Chisholm, II (“Chisholm”) commenced this action on behalf of his minor child pursuant to 42 U.S.C. § 1981, Title VII of the Civil Rights Act, and the First and Fourteenth Amendments to the United States Constitution. [Docket Entry No. 1]. By order dated October 6, 2011, Chisholm was directed to either retain counsel to represent his minor child or move for the appointment of counsel. [Docket Entry No. 14]. On October 20, 2011, Chisholm moved for the appointment of pro bono counsel. [Docket Entry No. 16]. By order dated November 2, 2011, Chisholm’s motion was denied, and he was directed to “retain counsel to represent his minor child within thirty (30) days from the date of entry of [the] order, or the action [would] be dismissed without prejudice.” [Docket Entry No. 17 at 3].

Chisholm’s deadline to retain counsel has expired, and no attorney has filed a notice of appearance on the minor child’s behalf or otherwise appeared in this action. Therefore, the action is dismissed without prejudice. See, e.g., Berrios v. N.Y. City Hous. Auth., 564 F.3d 130,

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132 (2d Cir. 2009); Cheung v. Youth Orchestra Foundation of Buffalo, Inc., 906 F.2d 59, 61 (2d Cir. 1990) (“a non-attorney parent must be represented by counsel in bringing an action on behalf of his or her child”). The Clerk of Court is directed to close this case.

In accordance with Rule 77(d) of the Federal Rules of Civil Procedure, the Clerk of Court shall serve a copy of this order upon all parties, including mailing a copy of this order to the pro se plaintiff at his last known address, and record such service on the docket.

SO ORDERED.

15/ SANDRA J. FEUERSTEIN

~~Sandra J. Feuerstein
United States District Judge~~

Dated: December 13, 2011
Central Islip, New York